

Senate Chamber, Atlanta, Georgia
Wednesday, February 16, 2005
Nineteenth Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Thomas of the 54th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 1. By Representative Royal of the 171st:

A BILL to be entitled an Act to amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, so as to provide for additional acts which shall not constitute a breach of a conservation use covenant; to repeal conflicting laws; and for other purposes.

HB 180. By Representatives Manning of the 32nd, Benton of the 31st, Byrd of the 20th, Talton of the 145th and Benfield of the 85th:

A BILL to be entitled an Act to amend Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Human Resources, so as to permit the department to obtain criminal history information from adult persons who reside in a home where a child in the custody of the department has been or may be placed or who provide care to a child who is the subject of a child protective services referral, complaint, or investigation; to permit the department to obtain criminal history information based on a name only for a child to be placed under exigent circumstances; to permit the department to obtain criminal history information based on a name only from the Georgia Crime Information

Center; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 200. By Representatives Coan of the 101st, Ehrhart of the 36th, Knox of the 24th, Keen of the 179th, Smith of the 129th and others:

A BILL to be entitled an Act to amend Article 9 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to the Subsequent Injury Trust Fund, so as to provide that the Subsequent Injury Trust Fund shall not reimburse a self-insured employer or an insurer for an injury occurring after April 15, 2005, for which a claim is made after April 15, 2005; to provide that the fund shall continue to reimburse self-insured employers and insurers for claims made prior to April 15, 2005; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 212. By Representatives Manning of the 32nd, Parsons of the 42nd, Oliver of the 83rd, Talton of the 145th, Lunsford of the 110th and others:

A BILL to be entitled an Act to amend Code Section 15-11-9 of the Official Code of Georgia Annotated, relating to appointment of a guardian ad litem for a child in a proceeding in juvenile court, so as to require certain training for guardians ad litem appointed for children in deprivation cases; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 217. By Representatives Neal of the 1st, Harbin of the 118th, Scott of the 153rd, Burmeister of the 119th, Mosby of the 90th and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 43 of the Official Code of Georgia Annotated, relating to athletic trainers, so as to provide that students, teachers, or other persons who serve as athletic trainers for a public or private elementary school or high school in this state must be licensed as an athletic trainer; to provide an exception for a student-trainer, assistant-trainer, or similar person who functions under the advice, consent, and supervision of a physician or a licensed athletic trainer; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 272. By Representatives Hembree of the 67th, Sims of the 169th, Oliver of the 83rd, O'Neal of the 146th and Byrd of the 20th:

A BILL to be entitled an Act to amend Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary education, so as to provide for a program of educational and living expense grants for certain

children who qualify as foster children; to provide for eligibility; to provide for administration, practices, procedures, and requirements related to such grants; to provide for reports; to repeal conflicting laws; and for other purposes.

HB 298. By Representatives Hembree of the 67th, Ehrhart of the 36th, Martin of the 47th and Smith of the 113th:

A BILL to be entitled an Act to amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, grants, and loans, so as to allow the Georgia Higher Education Assistance Corporation and the Georgia Student Finance Authority to exercise powers possessed by private corporations performing similar functions; to increase the amount of bonds that the Georgia Student Finance Authority may issue; to provide the Georgia Student Finance Authority with collection tools to collect unpaid service cancelable loans that are in cash repayment status; to provide the Georgia Student Finance Commission with collection tools to collect unpaid HOPE scholarship and grant funds; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 319. By Representatives Bridges of the 10th, Golick of the 34th, Cummings of the 16th and Coleman of the 97th:

A BILL to be entitled an Act to amend Code Section 47-20-84 of the Official Code of Georgia Annotated, relating to large retirement systems, so as to provide that such retirement systems may invest in certain types of securities; to repeal conflicting laws; and for other purposes.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 194. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to amend Code Section 48-13-51 of the Official Code of Georgia Annotated, relating to county and municipal levies on public accommodations charges for promotion of tourism, conventions, and trade shows, so as to provide that certain counties may levy and collect such a tax at the rate of 5 percent; to provide that funds shall be expended in a certain way; to repeal conflicting laws; and for other purposes.

Referred to the Finance Committee.

- SB 195. By Senators Schaefer of the 50th, Rogers of the 21st, Carter of the 13th, Chance of the 16th, Pearson of the 51st and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to regulate loans to and abandoned property of museums and archives repositories; to provide a short title; to define certain terms; to provide a process for establishing ownership of property loaned to museums and archives repositories; to provide for notice; to provide for other related matters; to repeal conflicting laws; and for other purposes

Referred to the Special Judiciary Committee.

- SB 196. By Senators Carter of the 13th, Butler of the 55th, Moody of the 56th, Thomas of the 54th and Douglas of the 17th:

A BILL to be entitled an Act to amend Article 1 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions for offenses against public health and morals, so as to provide for the crime of smoking on a school bus or other vehicle transporting children to and from schools or early care and education programs; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

- SB 197. By Senator Thompson of the 33rd:

A BILL to be entitled an Act to amend a former local constitutional amendment, Ga. L. 1976, p. 1908, which former local constitutional amendment was continued in effect as statutory law pursuant to Article VII, Section II, Paragraph IV of the Constitution of Georgia and which provided a homestead exemption from City of Powder Springs ad valorem taxes for municipal purposes in the amount of \$2,000.00 of the assessed value of the homestead for resident homeowners of that city and a homestead exemption from City of Powder Springs ad valorem taxes for municipal purposes in the amount of \$4,000.00 of the assessed value of the homestead for resident homeowners who are 65 years of age or over, so as to increase the amount of the \$4,000.00 homestead exemption to \$12,000.00; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 198. By Senators Miles of the 43rd, Fort of the 39th and Tate of the 38th:

A BILL to be entitled an Act to amend Part 5 of Article 3 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to pawnbrokers, so as to limit the annual interest rate chargeable on title loans; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Banking and Financial Institutions Committee.

SB 199. By Senators Balfour of the 9th, Seabaugh of the 28th, Hudgens of the 47th, Adelman of the 42nd and Henson of the 41st:

A BILL to be entitled an Act to amend Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to grounds for suspension, revocation, or refusal to grant licenses by the State Board of Pharmacy, so as to delete certain provisions relating to selling, distributing, and delivering prescription drugs by mail or other common carriers; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 200. By Senators Thomas of the 2nd, Fort of the 39th, Tate of the 38th, Brown of the 26th, Seay of the 34th and others:

A BILL to be entitled an Act to amend Article 13 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to PeachCare for Kids, so as to provide for the treatment of delinquent premium payments for PeachCare eligibility; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

SB 201. By Senators Goggans of the 7th, Williams of the 19th, Chapman of the 3rd and Whitehead, Sr. of the 24th:

A BILL to be entitled an Act to provide for deer management; to amend Title 27 of the O.C.G.A., relating to game and fish, so as to change certain provisions relating to revocation, suspension, denial, or nonrenewal of licenses or permits and administrative and judicial review; to change certain provisions relating to legal weapons for hunting wildlife generally; to change certain provisions relating to season and bag limits, promulgation of rules and regulations by the board, possession of more than bag limit, and reporting

number of deer killed; to change certain provisions relating to hunting deer with dogs; to provide for donation of deer processed for human consumption to bona fide charitable or nonprofit organizations for service or distribution to the poor or needy; to amend Chapter 1 of Title 51; to provide a short title; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

The following House legislation was read the first time and referred to committee:

HB 1. By Representative Royal of the 171st:

A BILL to be entitled an Act to amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, so as to provide for additional acts which shall not constitute a breach of a conservation use covenant; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

HB 180. By Representatives Manning of the 32nd, Benton of the 31st, Byrd of the 20th, Talton of the 145th and Benfield of the 85th:

A BILL to be entitled an Act to amend Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Human Resources, so as to permit the department to obtain criminal history information from adult persons who reside in a home where a child in the custody of the department has been or may be placed or who provide care to a child who is the subject of a child protective services referral, complaint, or investigation; to permit the department to obtain criminal history information based on a name only for a child to be placed under exigent circumstances; to permit the department to obtain criminal history information based on a name only from the Georgia Crime Information Center; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

HB 200. By Representatives Coan of the 101st, Ehrhart of the 36th, Knox of the 24th, Keen of the 179th, Smith of the 129th and others:

A BILL to be entitled an Act to amend Article 9 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to the Subsequent Injury Trust Fund, so as to provide that the Subsequent Injury Trust Fund shall not reimburse a self-insured employer or an insurer for an injury occurring after

April 15, 2005, for which a claim is made after April 15, 2005; to provide that the fund shall continue to reimburse self-insured employers and insurers for claims made prior to April 15, 2005; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

HB 212. By Representatives Manning of the 32nd, Parsons of the 42nd, Oliver of the 83rd, Talton of the 145th, Lunsford of the 110th and others:

A BILL to be entitled an Act to amend Code Section 15-11-9 of the Official Code of Georgia Annotated, relating to appointment of a guardian ad litem for a child in a proceeding in juvenile court, so as to require certain training for guardians ad litem appointed for children in deprivation cases; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

HB 217. By Representatives Neal of the 1st, Harbin of the 118th, Scott of the 153rd, Burmeister of the 119th, Mosby of the 90th and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 43 of the Official Code of Georgia Annotated, relating to athletic trainers, so as to provide that students, teachers, or other persons who serve as athletic trainers for a public or private elementary school or high school in this state must be licensed as an athletic trainer; to provide an exception for a student-trainer, assistant-trainer, or similar person who functions under the advice, consent, and supervision of a physician or a licensed athletic trainer; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

HB 272. By Representatives Hembree of the 67th, Sims of the 169th, Oliver of the 83rd, O'Neal of the 146th and Byrd of the 20th:

A BILL to be entitled an Act to amend Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary education, so as to provide for a program of educational and living expense grants for certain children who qualify as foster children; to provide for eligibility; to provide for administration, practices, procedures, and requirements related to such grants; to provide for reports; to repeal conflicting laws; and for other purposes.

Referred to the Higher Education Committee.

HB 298. By Representatives Hembree of the 67th, Ehrhart of the 36th, Martin of the 47th and Smith of the 113th:

A BILL to be entitled an Act to amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, grants, and loans, so as to allow the Georgia Higher Education Assistance Corporation and the Georgia Student Finance Authority to exercise powers possessed by private corporations performing similar functions; to increase the amount of bonds that the Georgia Student Finance Authority may issue; to provide the Georgia Student Finance Authority with collection tools to collect unpaid service cancelable loans that are in cash repayment status; to provide the Georgia Student Finance Commission with collection tools to collect unpaid HOPE scholarship and grant funds; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Higher Education Committee.

HB 319. By Representatives Bridges of the 10th, Golick of the 34th, Cummings of the 16th and Coleman of the 97th:

A BILL to be entitled an Act to amend Code Section 47-20-84 of the Official Code of Georgia Annotated, relating to large retirement systems, so as to provide that such retirement systems may invest in certain types of securities; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Banking and Financial Institutions Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 100 Do Pass by substitute

Respectfully submitted,
Senator Hamrick of the 30th District, Chairman

Mr. President:

The Economic Development Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 218 Do Pass
SB 144 Do Pass

Respectfully submitted,
Senator Mullis of the 53rd District, Chairman

Mr. President:

The Education and Youth Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SR 21 Do Pass by substitute

Respectfully submitted,
Senator Moody of the 56th District, Chairman

Mr. President:

The Finance Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 191 Do Pass
SB 155 Do Pass

Respectfully submitted,
Senator Cagle of the 49th District, Chairman

Mr. President:

The Health and Human Services Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 81	Do Pass by substitute	SB 116	Do Pass by substitute
SB 109	Do Pass by substitute	SB 140	Do Pass
SB 112	Do Pass by substitute	SR 82	Do Pass

Respectfully submitted,
Senator Thomas of the 54th District, Chairman

Mr. President:

The Interstate Cooperation Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SR 23 Do Pass by substitute

Respectfully submitted,
Senator Golden of the 8th District, Vice-Chairman

Mr. President:

The Judiciary Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 19 Do Pass
SB 141 Do Pass

Respectfully submitted,
Senator Smith of the 52nd District, Chairman

Mr. President:

The Rules Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 41 Do Pass

Respectfully submitted,
Senator Hamrick of the 30th District, Vice-Chairman

Mr. President:

The State and Local Governmental Operations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 67 Do Pass
HB 68 Do Pass

Respectfully submitted,
Senator Wiles of the 37th District, Chairman

The following legislation was read the second time:

HB 84 SB 11

Senator Hooks of the 14th asked unanimous consent that Senator Starr of the 44th be excused. The consent was granted, and Senator Starr was excused.

Senator Adelman of the 42nd asked unanimous consent that Senator Golden of the 8th be excused. The consent was granted, and Senator Golden was excused.

The roll was called and the following Senators answered to their names:

Adelman	Hill,Jack	Shafer,D
Balfour	Hill,Judson	Smith
Brown	Hooks	Staton
Bulloch	Hudgens	Stephens
Butler	Johnson	Stoner
Cagle	Jones	Tate
Carter	Kemp	Thomas,D
Chance	Me V Bremen	Thomas,R
Chapman	Miles	Thompson,C
Douglas	Moody	Tolleson
Fort	Mullis	Unterman
Goggans	Pearson	Walker
Grant	Powell	Weber
Hamrick	Reed	Whitehead
Harbison	Rogers	Wiles
Harp	Schaefer	Williams
Heath	Seabaugh	Zamarripa
Henson	Seay	

Not answering were Senators:

Golden (Excused)	Starr (Excused)	Thompson, S
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The members pledged allegiance to the flag.

Senator Weber of the 40th introduced the chaplain of the day, Dr. Chris Price of Dunwoody, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 169. By Senator Goggans of the 7th:

A RESOLUTION commending Jeffrey Kyle Robinson on becoming an Eagle Scout; and for other purposes.

- SR 170. By Senators Chapman of the 3rd, Johnson of the 1st, Stephens of the 27th and Chance of the 16th:

A RESOLUTION commending Mr. James "Jack" Hutto, recipient of the 2004 Ronald Reagan Republican Gold Medal Award; and for other purposes.

- SR 171. By Senators Hill of the 32nd, Thompson of the 33rd, Rogers of the 21st and Wiles of the 37th:

A RESOLUTION recognizing and commending Mr. Fred D. Bentley, Sr.; and for other purposes.

- SR 172. By Senators Henson of the 41st, Miles of the 43rd, Butler of the 55th and Weber of the 40th:

A RESOLUTION honoring and remembering the life of Mr. Donald Homer "Tommy" Thompson; and for other purposes.

- SR 173. By Senators Williams of the 19th, Chapman of the 3rd, Goggans of the 7th, Tolleson of the 20th and Staton of the 18th:

A RESOLUTION commending the Golden Isles Parkway Association, Inc., and their partners for the "Peaches to the Beaches" annual yard sale; and for other purposes.

- SR 174. By Senator Goggans of the 7th:

A RESOLUTION commending Caleb Michael Worley on becoming an Eagle Scout; and for other purposes.

- SR 175. By Senator Jones of the 10th:

A RESOLUTION honoring and commending Reverend Edward W. Lee; and for other purposes.

Senator Reed of the 35th asked unanimous consent that Senator Seay of the 34th be excused. The consent was granted, and Senator Seay was excused.

Senator Chapman of the 3rd asked unanimous consent that Senator Hill of the 4th be excused. The consent was granted, and Senator Hill was excused.

The following local, uncontested legislation, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

SENATE LOCAL CONSENT CALENDAR

Wednesday, February 16, 2005
Nineteenth Legislative Day

(The names listed are the Senators whose districts are affected by the legislation.)

HB 68

Goggans of the 7th
CITY OF RAY CITY

A BILL to be entitled an Act to amend an Act incorporating the City of Ray City, approved March 17, 1960 (Ga. L. 1960, p. 2473), as amended, particularly by an Act approved March 20, 1990 (Ga. L. 1990, p. 4040), so as to provide for staggered, four-year terms for the mayor and council; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the local legislation as reported, was agreed to.

On the passage of the legislation, a roll call was taken, and the vote was as follows:

Y Adelman	E Hill,Jack	Y Smith
Y Balfour	Hill,Judson	E Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Butler	Johnson	Y Stoner
Y Cagle	Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
E Golden	Y Powell	Walker
Y Grant	Y Reed	Weber
Y Hamrick	Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams

Y Heath
Y Henson

E Seay
Y Shafer,D

Y Zamarripa

On the passage of the local legislation, the yeas were 44, nays 0.

The legislation on the Local Consent Calendar, having received the requisite constitutional majority, was passed.

SENATE RULES CALENDAR
WEDNESDAY, FEBRUARY 16, 2005
NINETEENTH LEGISLATIVE DAY

SB 4	Public Funds; balancing of federal/state funds; change provisions (Substitute)(TRANS-28th)
SR 34	CA: Sales Tax; educational purposes; change certain imposition requirements (FIN-49th)
SB 107	Developmental Highway System; additional route (TRANS-19th)
SR 67	CA: Fishing/Hunting; managed by law/regulation (NR&E-1st)
HB 199	Elections Code; corrections (S JUDY-12th) Willard-49th
SB 49	Annual Reports, Budgets, Audits; General Assembly members; notification of availability (SLGO(G)-46th)
SB 99	MARTA Act; code of ethics; conflict of interest; board members; provisions (TRANS-56th)
SB 121	Tollway Authority; motorist identity, travel history on project; exempt record (Substitute)(S&T-56th)
SB 110	Georgia Massage Therapy Practice Act; create Georgia Board of Massage Therapy (Amendment)(H&HS-45th)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

SB 4. By Senators Seabaugh of the 28th, Williams of the 19th, Stephens of the 27th, Hamrick of the 30th, Hill of the 32nd and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 32 of the Official Code of Georgia Annotated, relating to the allocation of funds for public roads, so as to change the provisions regarding the balancing of federal and state funds; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate Transportation Committee offered the following substitute to SB 4:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 5 of Title 32 of the Official Code of Georgia Annotated, relating to the allocation of state and federal funds for public roads, so as to exempt projects on the interstate system from balancing by congressional district; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 5 of Title 32 of the Official Code of Georgia Annotated, relating to the allocation of state and federal funds for public roads, is amended by striking in its entirety subsection (a) of Code Section 32-5-30, relating to allocation of state and federal funds, and inserting in its place the following:

"(a) The total of expenditures from the State Public Transportation Fund under paragraphs (4), (5), and (6) of Code Section 32-5-21 plus expenditures of federal funds appropriated to the department, not including any state or federal funds specifically designated for maintenance and operations, any project undertaken for purposes of the Developmental Highway System provided by Code Section 32-4-22, ~~or any project of the Georgia Regional Transportation Authority, Georgia Ports Authority, or Metropolitan Atlanta Rapid Transit Authority, or any project on The Dwight D. Eisenhower System of Interstate and Defense Highways,~~ shall be budgeted by the department over ~~each five year period commencing July 1, 1999, and quinquennially thereafter~~ two successive budgeting periods every decade. The first budgeting period shall commence immediately following redistricting of congressional districts after each decennial census and shall be for a duration of five years. The second budgeting period shall continue until the beginning of the budgeting period following the next redistricting of congressional districts after each decennial census. The department shall budget such expenditures such that at the end of such budgeting period funding

obligations equivalent to at least 85 percent of such total for such budgeting period shall have been divided equally among the congressional districts in this state, as those districts existed at the commencement of such budgeting period, for public road and other public transportation purposes in such districts; with the remainder of such total divided among such congressional districts such that 5 percent of such total for such budgeting period shall have been obligated for public road projects incidental to economic development purposes anywhere in this state, and no such congressional district shall have received funding obligations pursuant to this subsection for such budgeting period which are more than 20 percent greater than that received by any other such congressional district pursuant to this subsection for such budgeting period."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

Senator Powell of the 23rd offered the following amendment to Senate Transportation Committee Substitute to SB 4 (LC 34 0210S) as follows:

By deleting from lines 17 and 18 on page 1 the following symbols and phrase: "or any project on The Dwight D. Eisenhower System of Interstate and Defense Highways."

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

N Adelman	N Hill,Jack	N Smith
N Balfour	N Hill,Judson	E Starr
Y Brown	Y Hooks	N Staton
Y Bulloch	N Hudgens	N Stephens
Y Butler	N Johnson	N Stoner
N Cagle	N Jones	N Tate
Y Carter	N Kemp	N Thomas,D
N Chance	Y Me V Bremen	Y Thomas,R
N Chapman	N Miles	N Thompson,C
N Douglas	Y Moody	Thompson,S
N Fort	N Mullis	N Tolleson
N Goggans	N Pearson	N Unterman
E Golden	Y Powell	Y Walker
Y Grant	N Reed	N Weber
N Hamrick	N Rogers	N Whitehead
N Harbison	N Schaefer,N	N Wiles
N Harp	N Seabaugh	N Williams
N Heath	E Seay	N Zamarripa
N Henson	N Shafer,D	

On the adoption of the amendment, the yeas were 11, nays 41, and the Powell amendment was lost.

The following communication was received by the Secretary:

Senator Dan Moody
District 56
421-C State Capitol
Atlanta, GA 30334

Committees:
Education and Youth
Insurance and Labor
Appropriations
Rules
Ethics
Reapportionment and Redistricting

The State Senate
Atlanta, Georgia 30334

February 17, 2005

Mr. Frank Eldridge
Secretary of the Senate
353 CAP
Atlanta, Georgia 30334

Dear Mr. Eldridge:

Please let the Journal show that I voted incorrectly in favor of Amendment #(1) for Senate Bill 4 and intended to vote against the amendment.

Sincerely,

/s/ Dan Moody

On the adoption of the substitute, the yeas were 40, nays 6, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman
Y Balfour
N Brown
N Bulloch

N Hill,Jack
Y Hill,Judson
N Hooks
Y Hudgens

Y Smith
E Starr
Y Staton
Y Stephens

Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
N Carter	N Kemp	Y Thomas,D
Y Chance	N Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
E Golden	N Powell	Y Walker
N Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	E Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 42, nays 9.

SB 4, having received the requisite constitutional majority, was passed by substitute.

SR 34. By Senators Cagle of the 49th, Balfour of the 9th, Moody of the 56th, Carter of the 13th, Pearson of the 51st and others:

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that the sales and use tax for educational purposes may also be imposed in whole or in part for maintenance and operation of public schools with an equivalent millage rate reduction; to change certain imposition requirements; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article VIII, Section VI of the Constitution is amended by striking Paragraph IV and inserting in its place a new Paragraph IV to read as follows:

"Paragraph IV. ***Sales tax for educational purposes.*** (a)(1) The board of education of each school district in a county in which no independent school district is located may by resolution ~~and the board of education of each county school district and the board of education of each independent school district located within such county may by concurrent resolutions~~ impose, levy, and collect a sales and use tax for educational purposes of such school districts conditioned upon approval by a majority of the qualified voters residing within the limits of the local taxing jurisdiction voting in a

referendum thereon.

(2) The board of education of each county school district and the board of education of each independent school district located within such county may by concurrent resolutions impose, levy, and collect a sales and use tax for educational purposes of such school districts conditioned upon approval by a majority of the qualified voters residing within the limits of the local taxing jurisdiction voting in a referendum thereon. Such concurrent resolution shall only be required with respect to an independent school district, located wholly or partially in the county, when at least 25 percent of the total student enrollment of such independent school district is within such county. If less than 25 percent of the total student enrollment of such independent school is in a county, no concurrent resolution shall be required of that independent school district and the board of education of that county may levy the tax under the requirements of subparagraph (a)(1) of this Paragraph; provided, however, that such independent school district shall receive a share of the proceeds pursuant to subparagraph (i) of this Paragraph.

(3) This tax shall be at the rate of 1 percent and shall be imposed for a period of time not to exceed five years, but in all other respects, except as otherwise provided in this Paragraph, shall correspond to and be levied in the same manner as the tax provided for by Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the special county 1 percent sales and use tax, as now or hereafter amended general law. Proceedings for the reimposition of such tax shall be in the same manner as proceedings for the initial imposition of the tax, but the newly authorized tax shall not be imposed until the expiration of the tax then in effect. The purpose or purposes for which the proceeds of the tax are to be used and may be expended shall depend upon which option of such tax is selected by the board or boards of education. Such option shall be specified in the resolution or concurrent resolution calling for the imposition of the tax.

(b) The option 1 purpose or purposes for which the proceeds of the tax are to be used and may be expended include:

(1) Capital outlay projects for educational purposes;

(2) The retirement of previously incurred general obligation debt with respect only to capital outlay projects of the school system; provided, however, that the tax authorized under this Paragraph shall only be expended for the purpose authorized under this subparagraph (b)(2) if all ad valorem property taxes levied or scheduled to be levied prior to the maturity of any such then outstanding general obligation debt to be retired by the proceeds of the tax imposed under this Paragraph shall be reduced by a total amount equal to the total amount of proceeds of the tax imposed under this Paragraph to be applied to retire such bonded indebtedness. In the event of failure to comply with the requirements of this subparagraph (b)(2), as certified by the Department of Revenue, no further funds shall be expended under this subparagraph (b)(2) by such county or independent board of education and all such funds shall be maintained in a separate, restricted account and held solely for the expenditure for future capital outlay projects for educational purposes; or

(3) A combination of the foregoing.

(c) The option 2 purpose or purposes for which the proceeds of the tax are to be used and may be expended include the use of an amount equal to 25 percent of the amount of proceeds collected in each year in which the tax is levied for the reduction of the millage rate against tangible property within the school district for educational maintenance and operation purposes in an equivalent amount and the remaining 75 percent of such proceeds for:

(1) Capital outlay projects for educational purposes;

(2) The retirement of previously incurred general obligation debt with respect only to capital outlay projects of the school system; provided, however, that the tax authorized under this Paragraph shall only be expended for the purpose authorized under this subparagraph (c)(2) if all ad valorem property taxes levied or scheduled to be levied prior to the maturity of any such then outstanding general obligation debt to be retired by the proceeds of the tax imposed under this Paragraph shall be reduced by a total amount equal to the total amount of proceeds of the tax imposed under this Paragraph to be applied to retire such bonded indebtedness. In the event of failure to comply with the requirements of this subparagraph (c)(2), as certified by the Department of Revenue, no further funds shall be expended under this subparagraph (c)(2) by such county or independent board of education and all such funds shall be maintained in a separate, restricted account and held solely for the expenditure for future capital outlay projects for educational purposes; or

(3) A combination of the foregoing.

(d) The option 3 purpose for which the proceeds of the tax are to be used and may be expended shall be solely for the purpose of reducing the millage rate against tangible property within the school district for educational maintenance and operation purposes.

~~(e)~~(e) The resolution calling for the imposition of the tax and the ballot question shall each describe the option purposes, and if applicable:

(1) The specific capital outlay projects to be funded, or the specific debt to be retired, or both, if applicable;

(2) The maximum cost of such project or projects and, if applicable, the maximum amount of debt to be retired, which cost and amount of debt shall also be the maximum amount of net proceeds to be raised by the tax; and

(3) The maximum period of time, to be stated in calendar years or calendar quarters and not to exceed five years.

~~(f)~~(f) Nothing in this Paragraph shall prohibit a county and those municipalities located in such county from imposing as additional taxes local sales and use taxes authorized by general law.

~~(g)~~(g) The tax imposed pursuant to this Paragraph shall not be subject to and shall not count with respect to any general law limitation regarding the maximum amount of local sales and use taxes which may be levied in any jurisdiction in this state.

~~(h)~~(h) The tax imposed pursuant to this Paragraph shall not be subject to any sales and use tax exemption with respect to the sale or use of food and beverages which is imposed by law.

~~(g)~~(i) The net proceeds of the tax shall be distributed between the county school district and the independent school districts, or portion thereof, located in such county according to the ratio the student enrollment in each school district, or portion thereof, bears to the total student enrollment of all school districts in the county ~~or upon such other formula for distribution as may be authorized by local law.~~

(j) For purposes of this ~~subparagraph~~ Paragraph, student enrollment shall be based on the latest FTE count prior to the referendum on imposing the tax.

~~(h)~~(k) Excess proceeds of the tax which remain following expenditure of proceeds for authorized projects or purposes for education under option 1 or option 2 shall be used solely for the purpose of reducing any indebtedness of the school system. In the event there is no indebtedness, such excess proceeds shall be used by such school system for the purpose of reducing its millage rate in an amount equivalent to the amount of such excess proceeds. For purposes of this subparagraph, excess proceeds shall also be deemed to include any interest earned with respect to the proceeds of the tax.

~~(i)~~(l) The tax authorized by this Paragraph may be imposed, levied, and collected as provided in this Paragraph without further action by the General Assembly, but the General Assembly shall be authorized by general law to further define and implement its provisions including, but not limited to, the authority to specify the percentage of net proceeds to be allocated among the projects and purposes for which the tax was levied and the manner and method of providing for the millage rollback under option 2 or option 3.

~~(j)~~(m)(1) Notwithstanding any provision of any constitutional amendment continued in force and effect pursuant to Article XI, Section I, Paragraph IV(a) and except as otherwise provided in subparagraph ~~(j)~~(m)(2) of this Paragraph, any political subdivision whose ad valorem taxing powers are restricted pursuant to such a constitutional amendment may receive the proceeds of the tax authorized under this Paragraph or of any local sales and use tax authorized by general law, or any combination of such taxes, without any corresponding limitation of its ad valorem taxing powers which would otherwise be required under such constitutional amendment.

(2) The restriction on and limitation of ad valorem taxing powers described in subparagraph ~~(j)~~(m)(1) of this Paragraph shall remain applicable with respect to proceeds received from the levy of a local sales and use tax specifically authorized by a constitutional amendment in force and effect pursuant to Article XI, Section I, Paragraph IV(a), as opposed to a local sales and use tax authorized by this Paragraph or by general law."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution of Georgia be amended so as to provide that the sales and use tax for educational purposes may also be imposed in

() NO whole or in part for maintenance and operation of public schools with an equivalent millage rate reduction and to change the imposition requirements?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

Senators Unterman of the 45th, Heath of the 31st and Cagle of the 49th offered the following amendment #1:

Amend SR 34 by striking 25 and inserting 10 (page 1, Line 24)

Senator Unterman of the 45th asked unanimous consent that her amendment #1 be withdrawn. The consent was granted, and the amendment was withdrawn.

Senators Unterman of the 45th, Heath of the 31st and Cagle of the 49th offered the following amendment #2:

Amend SR 34 by striking 25 and inserting 10 (page 1, Line 24)

striking 25 and inserting 10 (page 1, Line 26)

Senator Cagle of the 49th asked unanimous consent that SR 34 be placed on the Table. The consent was granted, and SR 34 was placed on the Table.

Senator Powell of the 23rd introduced the doctor of the day, Dr. William Mark Newton.

Senator Chance of the 16th asked unanimous consent that Senator Seabaugh of the 28th be excused. The consent was granted, and Senator Seabaugh was excused.

The Calendar was resumed.

SB 107. By Senators Williams of the 19th, Tolleson of the 20th, Hill of the 4th, Powell of the 23rd and Grant of the 25th:

A BILL to be entitled an Act to amend Article 2 of Chapter 4 of Title 32 of the Official Code of Georgia Annotated, relating to the state highway system, so as to add an additional route to the Developmental Highway System; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	N Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
E Golden	Y Powell	Y Walker
Y Grant	Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	E Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 50, nays 1.

SB 107, having received the requisite constitutional majority, was passed.

SR 67. By Senators Johnson of the 1st, Mullis of the 53rd, Tolleson of the 20th, Goggans of the 7th, Stephens of the 27th and others:

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that the tradition of fishing and hunting and the taking of fish and wildlife shall be preserved for the people and shall be managed by law and regulation for the public good; to provide for submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article I, Section I of the Constitution is amended by renumbering Paragraph XXVIII as

Paragraph XXIX and inserting a new Paragraph XXVIII to read as follows:

"Paragraph XXVIII. *Fishing and hunting.* The tradition of fishing and hunting and the taking of fish and wildlife shall be preserved for the people and shall be managed by law and regulation for the public good."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution of Georgia be amended so as to provide that the tradition of fishing and hunting and the taking of fish and wildlife shall
() NO be preserved for the people and shall be managed by law and regulation for the public good?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution proposing an amendment to the Constitution, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
N Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
N Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	N Thomas,R
Y Chapman	Y Miles	Thompson,C
Y Douglas	Y Moody	Thompson,S
N Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
E Golden	Y Powell	Y Walker
Y Grant	Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams

Y Heath
Henson

E Seay
Y Shafer,D

Y Zamarripa

On the adoption of the resolution, the yeas were 44, nays 4.

The resolution, having received the requisite two-thirds constitutional majority, was adopted.

HB 199. By Representative Willard of the 49th:

A BILL to be entitled an Act to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to correct typographical, stylistic, and other errors and omissions in Title 21 of the Official Code of Georgia Annotated and in Acts of the General Assembly amending Title 21 of the Official Code of Georgia Annotated; to correct capitalization and spelling in Title 21 of the Official Code of Georgia Annotated; to provide for necessary or appropriate revisions and modernizations of matters contained in Title 21 of the Official Code of Georgia Annotated; to provide for other matters relating to Title 21 of the Official Code of Georgia Annotated; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Meyer von Bremen of the 12th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman
Y Balfour
Y Brown
Y Bulloch
Y Butler
Y Cagle
Y Carter
Y Chance
Y Chapman
Y Douglas
Fort
Y Goggans
E Golden
Y Grant
Hamrick

Y Hill,Jack
Y Hill,Judson
Y Hooks
Y Hudgens
Y Johnson
Y Jones
Y Kemp
Y Me V Bremen
Y Miles
Y Moody
Y Mullis
Y Pearson
Y Powell
Reed
Y Rogers

Y Smith
E Starr
Y Staton
Y Stephens
Y Stoner
Y Tate
Y Thomas,D
Y Thomas,R
Y Thompson,C
Thompson,S
Y Tolleson
Y Unterman
Y Walker
Y Weber
Y Whitehead

Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	E Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 49, nays 0.

HB 199, having received the requisite constitutional majority, was passed.

SB 49. By Senators Kemp of the 46th, Thompson of the 33rd, Grant of the 25th and Zamarripa of the 36th:

A BILL to be entitled an Act to amend the Official Code of Georgia Annotated, so as to provide for notification to the members of the General Assembly of the availability of annual reports, budgets, and audits; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
E Golden	Y Powell	Y Walker
Y Grant	Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	E Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 51, nays 0.

SB 49, having received the requisite constitutional majority, was passed.

SB 99. By Senators Moody of the 56th, Butler of the 55th and Reed of the 35th:

A BILL to be entitled an Act to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, particularly by an Act approved March 16, 1971 (Ga. L. 1971, p. 2092), so as to change certain provisions regarding violations of the code of ethics; to add a certain provision regarding the removal of a member of the board of directors for violation of certain provisions regarding conflicts of interest; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senator Adelman of the 42nd offered the following amendment:

Amend SB 99 by striking "120" at line 26 of page 2 and inserting in lieu thereof "60"

On the adoption of the amendment, the yeas were 43, nays 0, and the Adelman amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Thompson,S
Y Fort	Y Mullis	Tolleson
Y Goggans	Y Pearson	Y Unterman
E Golden	Y Powell	Y Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams

Y Heath
Y Henson

Y Seay
Y Shafer,D

Y Zamarripa

On the passage of the bill, the yeas were 52, nays 0.

SB 99, having received the requisite constitutional majority, was passed as amended.

Senator Rogers of the 21st asked unanimous consent that Senator Tolleson of the 20th be excused. The consent was granted, and Senator Tolleson was excused.

SB 121. By Senators Moody of the 56th, Shafer of the 48th, Hill of the 32nd, Williams of the 19th, Rogers of the 21st and others:

A BILL to be entitled an Act to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of records is not required, so as to exempt records of the State Road and Tollway Authority that would reveal the identity, financial accounts, or travel history of an individual who is a motorist on a tollway project; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate Science and Technology Committee offered the following substitute to SB 121:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of records is not required, so as to exempt records of the State Road and Tollway Authority that would reveal the identity, financial accounts, or travel history of an individual who is a motorist on a tollway project; to provide for related matters; to provide an effective date and for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of records is not required, is amended by striking paragraphs (16) and (17) of subsection (a) and inserting in lieu thereof new paragraphs (16), (17), and (18) to read as follows:

"(16) Unless the request is made by the accused in a criminal case or by his or her attorney, public records of an emergency '911' system, as defined in paragraph (3) of

Code Section 46-5-122, containing information which would reveal the name, address, or telephone number of a person placing a call to a public safety answering point, which information may be redacted from such records if necessary to prevent the disclosure of the identity of a confidential source, to prevent disclosure of material which would endanger the life or physical safety of any person or persons, or to prevent the disclosure of the existence of a confidential surveillance or investigation; ~~or~~

(17) Records of athletic or recreational programs, available through the state or a political subdivision of the state, that include information identifying a child or children 12 years of age or under by name, address, telephone number, or emergency contact, unless such identifying information has been redacted; or

(18) Records obtained by the State Road and Tollway Authority in connection with its operation of a toll project, to the extent that such records would reveal the identity, financial accounts, or travel history of any individual who is a motorist upon such toll project. Such records shall include, but not be limited to, a motorist's name, social security number, home address, home telephone number, e-mail address, credit or debit card information, and bank account information."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to all requests for copies of records or to inspect records filed or submitted on or after such date and that are pending on such date.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 38, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C

Y Douglas	Y Moody	Thompson,S
Y Fort	Y Mullis	E Tolleson
Y Goggans	Y Pearson	Y Unterman
E Golden	Y Powell	Y Walker
Y Grant	Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 49, nays 0.

SB 121, having received the requisite constitutional majority, was passed by substitute.

Senator Adelman of the 42nd asked unanimous consent that Senator Thompson of the 33rd be excused. The consent was granted, and Senator Thompson was excused.

SB 110. By Senators Unterman of the 45th, Thomas of the 54th and Smith of the 52nd:

A BILL to be entitled an Act to amend Title 43 of the O.C.G.A., relating to regulation of professions and businesses, so as to add a new Chapter 24A regulating the practice of massage therapy; to provide a short title; to provide legislative findings and intent; to provide for certain definitions; to create the Georgia Board of Massage Therapy; to provide for membership on the board; to provide for meetings of the board; to provide for powers of the board; to provide for licensure of massage therapists; to provide for provisional permits; to provide for applications under oath; to provide for licensing examinations; to provide for requirements relating to a license; to provide for violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate Health and Human Services Committee offered the following amendment:

Amend SB 110 by inserting between lines 16 and 17:

"This Act will become effective when funding is appropriated."

On the adoption of the amendment, the yeas were 38, nays 3, and the committee amendment was adopted.

Senator Henson of the 41st moved that SB 110 be placed on the Table.

Senator Unterman of the 45th objected.

On the motion, a roll call was taken, and the vote was as follows:

Y Adelman	N Hill,Jack	N Smith
N Balfour	N Hill,Judson	E Starr
Y Brown	Y Hooks	N Staton
N Bulloch	N Hudgens	N Stephens
Y Butler	N Johnson	N Stoner
N Cagle	N Jones	Y Tate
N Carter	N Kemp	N Thomas,D
N Chance	Y Me V Bremen	N Thomas,R
N Chapman	Y Miles	N Thompson,C
N Douglas	N Moody	E Thompson,S
Y Fort	N Mullis	E Tolleson
N Goggans	N Pearson	N Unterman
E Golden	Y Powell	Y Walker
N Grant	Reed	N Weber
N Hamrick	Rogers	N Whitehead
Y Harbison	N Schaefer	N Wiles
N Harp	N Seabaugh	N Williams
N Heath	Y Seay	Y Zamarripa
Y Henson	N Shafer,D	

On the motion, the yeas were 14, nays 36; the motion lost, and SB 110 was not placed on the Table.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

N Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
N Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
N Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	N Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	E Thompson,S
Y Fort	Y Mullis	E Tolleson
Y Goggans	Y Pearson	Y Unterman
E Golden	Y Powell	N Walker

Y Grant	Reed	Y Weber
Y Hamrick	Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
N Henson	Y Shafer,D	

On the passage of the bill, the yeas were 44, nays 6.

SB 110, having received the requisite constitutional majority, was passed as amended.

The following communication was received by the Secretary:

Senator Sam Zamarripa
District 36
121-E State Capitol
Atlanta, GA 30334

Committees:
Economic Development
Insurance and Labor
Science and Technology
Transportation

The State Senate
Atlanta, Georgia 30334
February 16, 2005

The Honorable Frank Eldridge
Secretary of the Senate
State Capitol
Atlanta, Georgia 30334

Dear Mr. Secretary:

I would respectfully request that it be entered into the Journals for today's session, February 16th, that Senator Steve Thompson be excused for the session due to constituent business outside the office.

Steve asked that I have him excused and I regretfully forgot to do so.
Thank you for your help.

Sincerely,
/s/ Sam Zamarripa

Senator Stephens of the 27th moved that the Senate adjourn until 10:00 a.m. Thursday, February 17, 2005.

The motion prevailed, and the President announced the Senate adjourned at 1:15 p.m.